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MEMPHIS APPEAL

OFFICIAL JOURNAL OF THE CITY.

F. A. TYLEB, - - - EDITOR. THURSDAY MORNING, : : : FEB. 10, 1870.

DEMOCRATIC TICKET. For Sheriff MARCUS J. WRIGHT. County Trustee A. WOODWARD For Tax-Collector ... W. D. STRATTON Ounty Court Clerk JAMES REILL) Clerk Crominal Court W. T. AVER'S Clerk 1st Circuit Court B. T. REAVES. Clerk 2d Circuit CourtP. D. BOYLE Clerk 3d Circuit Court J. McBROOK: Constable 5th Civ. Dist P. KEARN Magistrates 14th Civ. Dist ... T. FLEMING

W. L. STEWART Constable 14th Cor. Dist ... J. W. R.AMSE .

THE LEGAL TENDER QUESTION The following opinion of the Su preme Court was delivered Monday

by Chief Justice Chase. We also append the dissenting opinion of Mr Justice Miller: On no one question of general con stitutionality, and not very many per haps of general expediency of legisla-tion by which currency notes havbeen authorized in recent years, bu doubt is expressed as to the power to deciare a particular class of these notes to be legal tenders in the pay ment of pre-existing debts. The only ground upon which this power is asserted is not that the issue of notes was an appropriate and plainly adopted means for carrying on the war, for that is admitted; but the

making of them a legal tender to the

extent mentioned was such a means. issued were not declared legal tenders: it can be so taken for the benefit of those of the spirit of the Constitution, fail to ask it." portion, and that they circulated freely | prohibition. vithout discount. It may be said that was due to the provision made by law for the redemption of this paper in f at all useful in this respect, was o trifling importance compared with that which made them receivable for tory testifies that, in time of war especially, when taxes are augmented large loans negotiated, and heavy disbursements made, notes sued by authority of Gov-ernment, and made receivable for dues to Government, always obtain at first a ready circulation, and even when not redeemable by coin on de mand are as little, and usually less, subject to depreciation than any other description of notes for the redemption of which no better provision is made; and the history of that it was upon this quality of legal tenders that reliance of a circulation was originally placed; for the receiva-

legal tender chause seems to have been ntroduced at a later stage of its progress. These facts certainly are not without weight as evidence that all useful purposes of the notes would have been fully answered without naking them legal tenders for preexisting debts. It is denied, indeed, by eminent writers, that the quality of legal-tender adds anything at all to the credit or usefulness of the Government notes. They insist, on the contrary, that it impairs both. However this may be, it must be remembered that t is as a means to an end to be ob tained by the action of the Government that implied power of making notes a legal tender in all payments claimed under the Constitution ow, how far is this Government

belped by this means? Certainly it annot obtain new supplies or service at a cheaper rate, for no one will take notes for more than they are worth. At the time of a new contract the price will rise in the ratio of the depreclation, and this is all that could happen if the notes were not made le-But it may be said that depreciation will be less to him who takes

them from the Government, if the Government will pledge to him its powers to compel his creditors to receive them at parin payment. This is, as we have seen, by no means cercessive and recemption uncertain and remote, great depreciation will take quantity is only adequate to the denands of business and confidence in will circulate freely, whether made difficult to conceive what debt would legal tender or not. But if it be adtake private property without process mitted that some increase of availating the of law, if such an act would not. early redemption is strong, the notes legal tender under new conit by no means follows that any appreciable advantage is gained by compelling creditors to recelve them in satisfaction of pre-ex-isting debts; and there is abundant evidence that whotever benefit is possible from that compulsion to some individuals is outweighed by losses of property, derangement of business, fluctuations of currency and values, and increase of prices to people and construction of the late civil war and increase of prices to people and construction of the late civil war and the long train of covernment, and the long train of the late civil war and under the influence of apprehensions for the safety of the Republic covernment, and the long train of the United States, which declares that "the right of citizens of the United States to vote shall not be denied or abridged by the United States to vote shall not be denied or abridged by the United States to vote shall not be denied or abridged by the United States to vote shall not be denied or abridged by the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States to vote shall not be denied or abridged by the United States to vote shall not be denied or abridged by the United States, which declares that "the right of citizens of the United States to vote shall not be delived to the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which declares that "the right of citizens of the United States, which de true that these evils are not to be atmen or jurists were adopted by many.

The time was not favorable to considered and that the Congress shall tribunal on writs of error, but that the evidence may be considered and the evidence tributed altogether to making it a leevils. It certainly widens their extent and protracts their continuance. We are n ble to persuade our-selves that any expedient of this sort patriotic motives, its assumption found is an appropriate and plainly adapted means for the exercise of power to de-clare and carry on war. If it adds nothing to the utility of notes it cannot be upheld as means to the end in furtherance of which notes are issued. Nor can it in our judgment be upheld as such if, while facilitating in some degree the circulation of notes, it debases and injures currency in its prop-er use to a much greater degree. These iderations seem to us equally applicable to power to regulate currency and borrow money. Both powers and borrow money. Both powers necessarily involve the use of money

ment to the executing moise legal cendered in payment of precision generalized means to state decision. To whatever the passage of the passage in place of the passage of t

the spirit of the Constitution. Among and had become imperative. Our Is sent by mail to subscribers, one year, \$10 the great cardinal purposes of that in statesmen had been trained in schools six months, \$5 & less than six months, \$1 strument, no one is more conspicuous which looked upon such legislation or more venerable than the establishment with something more than distrust. per month; with sumplay Edizion, \$17 a year, Served by carriers anywhere in the city and subpros at TWENTY-FLVE CENTS per week; Sanday edition included.

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Correspondence, certain dittional to above rates. Terms: Cash in advance.

Correspondence is the government of the exercise of this power by Congress, as its results have demonstated the sagacity of those who originated and carried through the measure. Certainly it seems to the best undsmental articles of compact were stablished between the original states and the people of the states and the people of the states and the people of the object that this law was a necessity in the most stringent sense in the constitution and countrol. By this ordinance, certain undsmental articles of compact were stablished between the original states and the people of the object that this law was a necessity in the most stringent sense in London, amounts to 60,000 Congress, as its results have demonstated the sagacity of those who original time. Certainly it seems to the best undsmental articles of compact were by the original time. Certainly it seems to the best undsmental articles of compact were by the original time. Certainly it seems to the best undsmental time as that I can bring to bear on the subject that this law was a necessity in the most stringent sense in London, amounts to 60,000 Congress, as its results have demonstated the sagacity of those who original that the sagacity of those who original time. Certainly it seems to the beat undsmental principes of the strict of the consideration and tourist. The increase is that the sagacity of those who original that the sagacity of those who

the United States, ever recognized said that the provisions that private died!" of the United States, ever recognized as an efficient safeguard against intrigue, that no State shall pass any law impairing the obligation of contracts. It is true that this prohibition is not applied in terms to the Government of the United States. Congress has express power to enact bankapt laws, and we do not say have law made in the execution at any other express power which indentally impairs the obligation of a contract can be held to enconstitutional for that reason, at we think it clear that the spirit if this prohibition should pervade the office of the cause of law. A declaration of war with 2 marritime power would have been after body of legislation, and that sitice, which the Constitution was oreained to establish, was not thought y them to be compatible with legistry.

But there is another provision in the same amendment which, in our judgment, cannot have its full and intended effect, unless construed as a distribution, and indefinite code of ethics for the Constitution, and a literature with the following sentence in an account the following sentence in an account of an Irish duel, would detect the monstrous proposition embodied in it: "Sir Richard received a slight AGRICULTURAL IMPLEMENTS The question is whether an act which compels all those who hold contracts for the payment of go'd or silver money to accept in payment a currency of inferior value deprives such persons of property without due property due to desired a decrease of the property

the original draft of the bill, while the

incidental. In the case we are considering it is direct and inevitable. If in the case mentioned the holders of stock were required to convey it on demand to any one who should think fit to offer half value for it, analogy would be more obvious.

No one probably could be found to

ine according to their terms. It is in this opinion. We are obliged to conclude that an act making mere promises to pay dollars a legal tender in payment of debts previously contracted, is not States. fect any express power vested in Conwith the spirit of the Constitution, and that it is prohibited by the Conerate reflection upon the constitution-al limits of legislation or executive The names of the Sta

ready justification in patriotic hearts.

Many who doubted yielded their doubts. Many who did not doubt were silent. Some who were strongly averse to making Government notes a legal tender felt themselves con-

necessarily involve the use of money by the people and by Government, but neither, as we think, carries with it, as an appropriate and plainly adapted means to its exercise, the power of making circulating notes legal tenders in payment of pre-existing debts.

But there is another view which seems to us decisive. To whatever express power implied, the power in question may be referred, in the rules stated by Chief Justice Marshall

he consideration by their laws and law impairing the obligations of con-constitutions, were called. Among tracts made before its passage; but while the Constitution forbids States while the Constitution forbids States just preservation of rights and pro- to pass such laws, it does not forbid "It is understood and declared | Congress. On the contrary, Congress at no law ought ever be made or is expressly authorized to establish a have force in said Territory that shall, in any matter whatever, interfere with or affect private contracts or engagements bona fide, without fraud previously formed."

uniform system of bankruptcy, the object of which is to discharge debtors from obligations of their contracts; and in pursuance of this power Congress has three times passed such law,

y them to be compatible with legis-ition of an opposite tendency. In ther words, we cannot doubt that the capital employed in the manufac-ture of these articles. Yet no states-

aw not made in pursuance of an ex-aw not made in pursuance of an ex-ress power which necessarily and in a direct operation impairs the obliga-that to abolish such duties would hands of James II of England, who on of contrats is inconsistent with be as unconstitutional as taking sold it to Louis XIV for £25,000, ne spirit of the Constitution.

Another provision found in the fifth mendment must be considered in his connection. We refer to that his connection. which ordains that private property hall not be taken for public use without compensation. This provision is ment is the injustice of the law; injussindred in spirit to that which foruds legislation impairing obligations of contracts, but unlike that it is adiressed directly and solely to Nationil government. It does not in terms all government. It does not in terms prohibit legislation which appropriates the private property of one class of citizens to the use of another class; tion of Congress void by decision of cut it such property cannot be taken. of citizens to the use of another class; ton of Congress void by decision of out if such property cannot be taken for the benefit of all without compensation it is difficult to understand how it can be so taken for the benefit of the property cannot be taken enforce theoretical views of the general vie

egislation court of justice for the National Leg- wound in the breast; his an we have been considering. It islature. Upon the enactment of these fired in the air, and so the affair terthat which declares no person shall legal-tender laws they were received minated." But the proposition her e deprived of life, liberty or property with almost universal acquiescence as its that one party in a duel might without due process of law. It is not outsided that all the provisions of the outside payments—were made legal tender notes for debts in existence. Generally, however, buils of Irish mendment operates directly as a lim-ation and restraint of the legislative owers conferred by the Constitution. dollars, though gold was the only law-

cess of law finites ho part of it. all but one that have passed upon the des Italiens, where Beethoven's Fisit deprive any person of propera very large proportion of properconstitutionality of these laws. With ty? A very large proportion of property of ciwlized men exists in form of contracts. These contracts almost invariably stipulate for the payment of among those who have passed upon among those who have passed upon among those who have passed upon piece." "Sir." exclaimed another variably stipulate for the payment of among those who have passed upon the question before we have been calling that contracts in the United States and that contracts in the United States are to pass upon it in rior to the act under consideration much as it is ours to pass upon it in the payment of money were continued in the light of the Constitution, are we the light of the Constitution, are we to revise their action, to disturb constitution, and it is beyond doubt that holders of these contracts were and are as fully entitled to the protection of a constitutional provision as the helders of any other description of the Constitution, are we to revise their action, to disturb constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Constitution, are we to revise their action, to disturb constitution of the Co the helders of any other description of or so clear as it was to other courts? Don Platt says: "I was in love TWO AND FOUR-HORSE WAGONS, property. But it may be said Such is not my idea of the relative once with a fat girl. She was very that holders of no description functions of the legislative and judiproperty are protected by cial departments of the Government, course of my true love came to grief. I was sitting with her in the dim twionly, impairs its value; and it may be selection is with Congress, and not light one evening. I was sentimental; urged, in illustration, that holders of with the courts. If the act to be con- I said many soft things; I embraced stock in a turnpike, a bridge, or sidered is in any sense essential to the part of har. She seemed distant. She manufacturing corporation, or an in-surance company or bank, cannot by authorizing similar works or corpora-tions reduce its price in market. But all this does not appear to meet the real difficulty. In the cases mentioned injury is purely contingent and court says that where the law is not then I found another fellow courting the prohibited and is really calculated to the prohibited and is really calculated to the nant, and upbraided her for her

No one probably could be found to duties of the court, in this ontend that an act enforcing the ac class of cases, relieves me from tance of fifty or seventy-five acres any embarrassment or hesitation in one case which occurred at Cape the case before me. If I had enter- Clear, the finders, fishermen, were enconvey one hundred would not come within the prohibition act against arbitrary deprivation of property. We confess ourselves unable to perceive valid until these doubts became convictions, but as I have a very decided any solid distinction between such an opinion that Congress acted within the act and an act compelling all citizens scope of its authority. I must hold the scope of its authority, I must hold the to accept in satisfaction of all contracts for money one-half or three-from the opinion of the court. I am

THE XVII AMENDMENT.

States.

From the N. Y. Evening Post.] Twenty-eight States have now, through their legislatures, ratified the Fifteenth Amendment to the Constitualmost universal different views never States, or by any State, on account of view the law of the case, which is all before entertained by American states | race or color, or previous condition of | that has hitherto been done by that

The names of the States are: Maine Massachusetts Michigan Minnesona Mississippi Missouri North Carolina

strained to acquiesce in the views of There are several States yet to be advocates of the measure. Not a few who then insisted upon its necessity or acquiesced in that view, have, since the return of peace, and under the intally a part of the Constitution fluence of calmer times, reconsidered their conclusions, and now concur in the views which we have just announced.

by the votes of the number of States required for its ratification, and there remaining only the formality of its official announcement

SHORT PARAGRAPHS.

jecture, and especially in its relations to contracts. When the Constitution was undergoing discussion in the Convention, the Congress of the confederation was engaged in the consideration of the ordinance for the government of the territory northwest of the Obligation only. Territory subject at think, very clearly the existence of the existence of the existence of the whole state. Mitrous oxide gas, it is asserted by the English medical journals, has greatly increased in popularity in England as an anesthetic. The quantity of nitrous oxide gas made by the manufaction of the territory northwest of the Obligation of the services of this power by Congress, as its results have demongallous per annum. The increase is

vacillating over the question of at-tending the Peabody inneral, a respectable member from the back country said: "Mr. Speaker, I am disgusted with the conduct of this House. This funeral at Portland is agoing to be a great affair; but when I see this House a-tetering and see-sawing as if it didn't know its own mind, I de-

I always attacked one man bitterly Far from respecting his political views

orohibition.

Discrete is another provision in them.

Void laws which did not square with the following sentence in an account to the following sentence in a count to the count

admirer of Beethoven's gen

cask was taken into a cabin, and to quarters or any other proportion less authorized to say that Mr. Justice of escape were accessible except a small window. While the party twenty in number, were dividing of escape were accessible except a oil evploded, and a young man leaning over the cask was blown to pieces and his limbs burned to a cinder. The lenge competition, both in quality and had to be taken to the county hospi-

The Scheeppe case has made its ap pearance in a new shape. A bill ha assed the Pennsylvania State Senate which allows writs of error in cases of the evidence may be considered and ENTIRELY SUPPLANT THE COMthe court may determine whether there were sufficient facts in the tes-timony to authorize a verdict of murder in the first degree, and if the court should be of opinion that the judgment was not justified by the evidence, it may reverse the decision of the court below and send back the case

Have Marked Down Their Entire Stock-of BLACK AND FANCY SILKS.

They will offer on MONDAY, FEBRUARY 7TH. HANDSOME SILKS

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The same principles found a more which in every instance operated on contracts made before it was passed. Such a law is now in force. So it is died!"

House a tetering and see-sawing as if tiddn't know its own mind, I declare I wish Mr. Peabody hadn't died!" as an efficient safeguard against in- property shall not be taken for public Charles Reade, after making a high

be valid payment.

The two Houses of Congress, the president who signed the bill, and filteen State courts of law.

The operation of such an act the attention of such an act the process of law makes no part of it.

The operation of such an act the attention of such an act the process of law makes no part of it.

SEEDS,

been washed up on the shore and tagaged in sharing the oil, when the li-quid exploded, and several of the men were severely burned and some lost their lives. In the other case, the the doors were barred, and no means their prize by the light of a candle, the others were dangerously injured, and

MISCELLANEOUS.

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And are, in all respects,

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ain, by which I can offen, in a few r , soothe and carry off the most exc

iating sofferings.
If this system did nothing more than to re-leve pain, it would stand superior to any

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Heimplegia (Half Palsy), Paresis. Parapiegia (Local Palsy), Paralysis Agitans

Catarrh.

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In every form of Parsilysis, this is the only treatment which amounts to shything—res-toring action and vitality. In the treatment of this and affection, I use my Medicated Raths, medicated with various substances, as translinth, shlorine, indline, and RETAIL GROCERS. I will contract to cure any case of paralysis rovided there exists no organic lesion. SPICER & SHARPE, 354 Main St., Magevney Block, RE now receiving a large and tresh stock

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opped-up Head, Running of the Nose, Con-stant Hawking and Spitting, Constant Blowing of the Nose. Thousands suffer from that most annoying disagreeable and offensive complaint—utarra, without knowing what it is.
Often the secreted nucous, flowing dow the throat clogs up the lungs, and lays us foundation for consumption.
The most skillful physicians fail to cure the second of the lays us foundation for the far bottoms of this in have turned their attention to the treatment of catarra, and demand most fabulous prior from patients. Harrison, Clarksville and Southern St sngues and Dried Beef. Italian Maccaroul. Choice Teas, Sugars and Coffee Fine Syrups. Choice London Layer Raisins.

Give us a call and we think we can ples Scrofula.

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The Scrofula taint, inherited or otherwifiling the with untold misery, is, by all use medical treatment, hopelessly incurable.

The only true cures which I have ever see are those which have been performed by in I will contract to cure, without fall, ever case of Blood Diseases, even the most territ forms of Lepresy, Erystpelas, Eczoma, Uncers, Yumors, Ulcers, Abscesses, and ever form of red, sealy, or disfusing eruption.

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divation (Piyalism), Mercurial Eruptic Mercurial Aches in Bones, Mercurialization. Mercury, injudiciously used, has filled the earth with wrecks of humanity. Thousands suffer from its effects, who have been unconsciously drugged by their paysician. It is vain to attempt the cure of the majority of diseases while it remains in the body. Although I have heard of several so-called antidotes for mercury in the human body, I have never yet seen a physician who could eliminate it from the system.

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Cancers. Noll-me-Tangere, Lupus, or Wolf Cancer Scirring Cancer-Fungous Cancer, Bose Cancer-Spider Cancer, I make a great specialty in the treatment of every description of cancer and temors, and may a special department devoted to this transh of disease. How many cancers and tumors are wronily treated by certain chariatans styll hemselves "Cancer Doctors." After being pronounced incumble, 1 will After being pronounced incumble, 1 will HARDEMAN COUNTY, TENNESSEE make a permanent cure.

My terms for treating cancers, etc., will be based on the age and condition of the patient, and the positive certainty of cure.

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Self-abuse-Discharges-Stricture-GleetSores-Spermatorrhosa (Seminal
Weakness)-Syphilis (Primary and Secondary)Impotence (Less of Virility)-Premature
Becay-Debility.
The press, the pulpit and the locture-room
are silent on the subject of discusse of the
sexual organism. A faine deliracy concent
the knowledge for which thousands thirst.
And how ferrible are these discusses? Spermaterrhosa, shattering the entire Nervous
System-impoiring the mind-and existing
self-destruction. Syphilis, eating up the
bedy by prace-meal-insing bone, muscle and
nerve, by inches-being literally eaten up
alive, and forturing the brain with agony.
Charlatans, or incompeleat physicians may he loss of one ounce of seminal fin buse, is equal to the loss of forty oun

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